IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14727 of 2004

Between:

S.Sudhakar Reddy, s/o Linga Reddy,
r/o 1-9-129/23/C/91, Balaji Nagar, Ramnagar Gundu, Hyderabad.

..... PETITIONER

AND

1 Deputy Commissioner of Prohibition & Excise, Govt., of A.P.,Nampally, Hyderabad.
2 The Station House Officer, Prohibition & Excise,
Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declared the action of the 1st respondent in not passing any orders in Appeal dt.23-7-2004, for releasing of Auto bearing No.AP 9W 3924, as highly illegal, arbitrary, and consequentially direct the respondents to release the vehicle i.e., Auto bearing No.AP 9W 3924 on furnishing the security

Counsel for the Petitioner: MR.N.M.KRISHNAIAH

Counsel for the Respondents 1 and 2.: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

The petitioner claims to be the owner of an auto bearing No.AP 9 W 3924. He states that he has purchased the said auto under an hire purchase agreement and the same was given to one M.Nagaraju on hire. It appears that on 16.04.2004 the said auto was seized by the respondent authorities on the allegation of violation of Provisions of A.P. Prohibition Act, 1997. Subsequently, the said vehicle was confiscated, against which the petitioner preferred an appeal before the first respondent-Deputy Commissioner of Prohibition and Excise, Nampalli, Hyderabad on 23.07.2004. He also made an application seeking release of the vehicle. The grievance of the petitioner is that the first respondent has failed to consider his appeal and no orders have been passed even on his application for interim custody of the vehicle so far.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing for respondents.

Though the learned Counsel for the petitioner raised various grounds contending that the seizure is not valid and that the order of confiscation is unsustainable, since the statutory Appeal is pending before the 1st respondent, I am not inclined to express any opinion on merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent-Deputy Commissioner of Prohibition and Excise, Nampally, Hyderabad to consider the

application of the petitioner for interim custody of the vehicle and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of two weeks from the date of receipt of a copy of this order. No order as to costs.

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19-08-2004

Note: Issue C.C. in two days

B/o

Klp

To

1 Deputy Commissioner of Prohibition & Excise, Govt., of

A.P.,Nampally, Hyderabad.

2 The Station House Officer, Prohibition & Excise, Secunderabad.

3 Two C.Cs to the Government Pleader for Proh.& Excise,

High Court Buildings, A.P., Hyderabad (OUT)

4 Two C.D. copies.